

1 PHILLIP A. TALBERT  
2 United States Attorney  
3 LAURA D. WITHERS  
4 Assistant United States Attorney  
5 2500 Tulare Street, Suite 4401  
6 Fresno, CA 93721  
7 Telephone: (559) 497-4000  
8 Facsimile: (559) 497-4099  
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10 Attorneys for Plaintiff  
11 United States of America

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14 IN THE UNITED STATES DISTRICT COURT  
15 EASTERN DISTRICT OF CALIFORNIA

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17 UNITED STATES OF AMERICA,  
18 Plaintiff,  
19 v.  
20 ALDO DAVID ALCARAZ,  
21 Defendant.

22 CASE NO. 1:21-CR-00205-DAD-BAM  
23 STIPULATION TO CONTINUE STATUS  
24 CONFERENCE AND EXCLUDE TIME UNDER  
25 SPEEDY TRIAL ACT; FINDINGS AND ORDER  
26 DATE: March 9, 2022  
27 TIME: 1:00 p.m.  
28 COURT: Hon. Barbara A. McAuliffe

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**STIPULATION**

20 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
21 through defendant's counsel of record, hereby stipulate as follows:

- 22 1. By previous order, this matter was set for status on March 9, 2022.
- 23 2. By this stipulation, defendant now moves to continue the status conference until May 11, 2022, and to exclude time between March 9, 2022, and May 11, 2022, under Local Code T4.
- 24 3. The parties agree and stipulate, and request that the Court find the following:
- 25 a) The government has represented that the discovery associated with this case includes state and local law enforcement reports, body camera footage, the extraction of the defendant's phone, audio and video recordings of interviews with both the defendant and identified victims, etc. The United States produced supplemental discovery containing reports about and recordings of interviews with two recently identified victims. This discovery has been

either produced directly to counsel and/or made available for inspection and copying.

b) Counsel for defendant desires additional time to consult with his client and to review the contraband evidence that remains in the custody of law enforcement, which is made more difficult because defense counsel is in San Diego and the defendant is in custody in Bakersfield, where the contraband material is also kept. Defense counsel also desires additional time to review the charges, conduct investigation and research, to review the discovery, and to discuss potential resolution with his client and counsel for the government.

c) Counsel for defendant believes that failure to grant the above-requested continuance would deny him the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of March 9, 2022 to May 11, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

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1       4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
3 must commence.

4       IT IS SO STIPULATED.

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6       Dated: February 24, 2022

7       PHILLIP A. TALBERT  
United States Attorney

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9       /s/ LAURA D. WITHERS  
LAURA D. WITHERS  
10      Assistant United States Attorney

11      Dated: February 24, 2022

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13      /s/ THOMAS P. MATTHEWS  
THOMAS P. MATTHEWS  
Counsel for Defendant  
14      ALDO DAVID ALCARAZ

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16      **ORDER**

17      IT IS SO ORDERED that the status conference is continued from March 9, 2022, to **May 11, 2022**,  
18 **at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. §  
19 3161(h)(7)(A), B(iv).

20      IT IS SO ORDERED.

21      Dated: February 24, 2022

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/s/ Barbara A. McAuliffe

23      UNITED STATES MAGISTRATE JUDGE